

the law is correct. However, as noted above, the central issue of the original Complaint in this case concerns whether or not Verizon Select Services, Inc., provides unreasonable service in violation of Section 1501 of the Public Utility Code to Mr. and Mrs. Feigley. I expect that any existing contract between the DOC and VSSI for the provision of inmate telephone access may be involved tangentially in the service issue. Thus, the subject of the contract will not be taboo in the hearing room, but I will reserve judgment on how much need there is to delve into the subject until I hear the testimony. I find the objection premature and deny it without prejudice.

I note that Ms. Ashelman was identified as a DOC employee in the DOC Objections. Obviously, VSSI was not aware of that fact when its Objections were drafted. VSSI objected to the subpoena for Ms. Ashelman, as a possible DOC employee, on the same grounds it used to object to the request for Captain Durant. Having already denied the objection to the subpoena for Captain Durant, I reach the same result for Ms. Ashelman.

With no other basis beyond the facts that Ashelman and Durant were not VSSI employees, VSSI "reserved the right to treat such individuals as hostile witnesses." VSSI Objections at 3. Given the likelihood that VSSI and the DOC are in contractual privity, I find that the "reservation" is at best premature and will deny it without prejudice.

With respect to Mr. McAndrews, I find the justification for the subpoena to be insufficient. At the risk of repetition, the central issue in this case concerns whether or not Verizon Select Services, Inc., provides unreasonable service in violation of Section 1501 of the Public Utility Code to Mr. and Mrs. Feigley. The need to produce Mr. McAndrews to testify that he had problems with the phone system could produce relevant evidence which would marginally add to the creditability of the Feigleys' case. However, I regard the proffered testimony as likely to be unduly repetitive and will exercise my discretion to exclude it. 52 Pa. Code §5.483. Therefore, the objections to subpoena for Mr. McAndrews